

# FAMILY MEDIATION TRAINING

N E W S L E T T E R

Winter Issue 2021

## A FRAMEWORK FOR ASKING QUESTIONS IN MEDIATION :

Mediations have five phases: (1) Introductions, opening statements, and initial information is put “on the table”; (2) Negotiation where positions and information are exchanged, explored, and expanded; (3) Narrowing positions and options, and organizing them into a resolution outline; (4) Drafting an agreement where details and language are refined and clarified; and (5) Executing the settlement agreement.

**Questions in each stage of mediation should be suitable for that part of the process, and should prompt ANALYSIS, INTROSPECTION, OR NARRATIVE.**



## NEWS FLASH

**ELDER MEDIATION TRAINING :**  
[ElderMediationTrainingFlorida.com](http://ElderMediationTrainingFlorida.com)

**About our one day programs:**  
**Track I: 3.0 CME hours of Marketing/technology; Track II: learn about dealing with pro se clients; Track III emphasizes the workplace and Track IV emphasizes LGBTQ including mediating with temporary restraining orders. Each Track has 2.0 Ethics, 2.0 Interpersonal violence and 1.0 for ALL Mediators including Appellate Mediators.**

**STAGE 1 – NARRATIVE:** Tell us your story. Tell us why you’re here. Detail what you want to accomplish today. Talk about stumbling blocks you anticipate today. List the details of an ideal result for you today. Please share details of how things were before this dispute arose.

**STAGE 2 – ANALYSIS AND INTROSPECTION:**

**ANALYSIS:** You mentioned \_\_\_\_\_. How would that work? What would you need for that to work? You’ve shared many things you would like in order to resolve the dispute. Is there anything on the list that you can’t live without? Is there anything the other side might demand you couldn’t live with? What are the options if you don’t reach an agreement today?

**INTROSPECTION:** Are you financially able to commit to the offer you’ve made? What responses would you anticipate to that demand? How would you modify the current proposal? Is there any *nonmonetary offer* (time, different interest rate, future benefit, etc.) that might lead to a resolution? What are your concerns if an agreement isn’t reached today?

**IF YOU HAVE AN ARTICLE OF INTEREST WE WOULD BE PLEASED TO PUBLISH IT FOR YOU!**

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*STAGE 3: ANALYSIS:* What variations would you consider given the current offers on the table? If you can't arrange your schedule to have the children for six weeks during the summer, what options would you offer? If you can't afford to pay for the summer camp suggested, what options would you offer? If you can't make the proposed monthly payment, what alternatives could you suggest?

*STAGE 4: ANALYSIS:* You've agreed to a payment schedule, what other details do you need to fully understand the deal? You've agreed to a visitation schedule, are there any variations on the regular schedule you want to discuss? How would that work? Does the agreement on the table cover everything? What, if anything, needs to be discussed to completely resolve the dispute?

*STAGE 5 – ANALYSIS:* How do you want the draft agreement to be circulated? (Email? Text attachment? Zoom Chat? Other?) How much time do you need to review the draft? How do you want to execute it once the draft is approved by all? (DocuSign, email, other?) Do you want to return to mediation if there are questions or concerns about the draft, or will you work it out between yourselves?

**A mediator who gets the parties speaking to each other and lets them negotiate in the safe environment of mediation -- with the mediator only asking a question arising from something one of the parties said -- is highly effective especially when the parties have a personal or business relationship to be maintained, restored, or ended.**



**We wish to thank one of our trainers Robin for a wonderful article.**

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